

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 05-10153-GAO
)	
JIANGYO ZHU and)	
KAYOKO KIMBARA)	
)	
Defendants)	
)	

JOINT MOTION TO STAY REFERRAL OF CASE TO DISTRICT COURT
AND FOR EXCLUDABLE DELAY

The parties jointly move for a short-term stay in the referral of this case to the district court. As grounds, the parties state that at an Interim Status Conference held before the magistrate yesterday, November 8, 2005, the parties reported that they were engaged in negotiations regarding the potential resolution of this matter through pre-trial diversion and requested that they be given until Friday, December 16, 2005 to complete their discussions, at which time they will report back to the court. The magistrate directed the parties to submit their request in the form of a joint motion for stay to the district court, which the parties now present.

In conjunction with that request, the parties jointly move that the Court exclude under the Speedy Trial Act the period of time from November 9, 2005 to December 16, 2005 [37 days] in the interests of justice, pursuant to 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

JIANGYO ZHU

MICHAEL J. SULLIVAN

By his attorney,

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Date: November 9, 2005